



Informal translation of Toelichting op het Reglement voor de Universiteitsraad. In the event of differences between the Dutch text and this translation, the Dutch text prevails.

Notes to the Regulations for the University Council

Notes to the Regulations for the University Council, which came into effect on 17 February 2021.

Regulations for the University Council

General

The Regulations are based on the system of the Higher Education and Research Act [*Wet op het Hoger Onderwijs en Wetenschappelijk Onderzoek*] (hereinafter: WHW).

The basic principles of the WHW system are as follows:

1. The University Council, the Executive Board and the Supervisory Board each have their own powers and duties:
 - the Executive Board is the executive organ,
 - the University Council is the participation organ,
 - the Supervisory Board is the supervisory organ.Powers and duties are carried out by the organ primarily designated to carry out such powers and duties.
2. When exercising its participation rights, the University Council conducts thorough discussions regarding the contents of documents to which these rights pertain.
3. The University Council's power of consent is linked to the strategic choices made by the University and from basic documents such as the administrative & management regulations and the students' charter.
4. The University Council's advisory power is linked to the implementation of the strategic policy and focuses mainly on the planning and control cycle.

Given the close connection between the Regulations and the WHW, articles from the WHW have been fully incorporated into the Regulations where relevant.

Article 1 Definitions

The definitions of academic staff and support and management staff have been derived from the Collective Labour Agreement for University Staff (CAO-NU). Staff employed by the University Medical Center Utrecht who are considered staff within the meaning of the Regulations carry out duties that are in fact covered by the Faculty of Medicine.

Article 2 Composition

The University Council's Electoral Regulations officially constitute a part of the Regulations.

Article 3 Term of office

Council members are elected by and from among staff and students of the University; see article 9.31, paragraph 3, of the WHW. As a result, Council members are immediately eligible for re-election.

Article 5 Consent

All participation rights are exercised upon the adoption or amendment of the documents to which these rights pertain.

The *strategic plan* is adopted at least once every four years and serves as the framework for policies throughout the period covered by the plan. The plan sets out the university's ambitions with regard to education, research, management and collaboration with external parties.

The strategic plan also covers topics such as the policy for privatisation of university tasks relating to education and research through the incorporation of new legal entities and the initiation of university-wide strategic projects for education and research.



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With regard to years for which no strategic plan is drawn up, the council thoroughly reviews whether the strategic plan is still up-to-date when it discusses the general course of affairs in May / June.

The *students' charter* reflects the agreements currently in place within the University. Upon adoption of the students' charter, the Council determines whether the charter and the proposed amendments thereto adequately reflect the policies agreed upon as well as pertinent laws and regulations. During the annual discussion of the charter, it is decided which of the amendments are of an editorial and technical nature (e.g. a change in the amount of the tuition fees), and which amendments require in-depth discussion.

With regard to the interpretation of the term "outlines of the annual budget", the Executive Board and the Council reached an agreement on 9 November 2015. Their agreement has been laid down in a document regarding the power of consent for the annual budget entitled "*Instemmingsrecht op hoofdlijnen van de begroting*" (Corsa FCA 15.21125, UR 15.146), which was officially adopted as a part of the Regulations when they were amended in early 2016.

The general policy regarding the protection of personal data is understood to mean the policy in which the principles are laid down, not the further elaboration of these principles in lower policy documents within the framework of these principles, nor decisions regarding concrete applications. The power of consent concerns, for example, the general policy on the use of online tools for education, but not the concrete application of tools, such as the use or non-use of Zoom.

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Article 6 Advice

The document entitled "*Hoofdlijnen van het planning en control systeem*" provides an outline of the University's planning and control cycle. This document, as well as the annually determined budget and framework letter, serve as guidelines for the implementation of the strategic policy by the Executive Board.

When the power of consent regarding the outlines of the annual budget was introduced and agreements were made regarding the interpretation of that term, the advisory power pertaining to the allocation model was discontinued. The rights attaching to the allocation model have been laid down in the document regarding the power of consent for the annual budget entitled "*Instemmingsrecht op hoofdlijnen van de begroting*" (Corsa FCA 15.21125, UR 15.146), which was officially adopted as a part of the Regulations when they were amended in early 2016.

Article 7 Consultations

Twice a year, a meeting is held to discuss the general course of affairs in and the development of the University. These meetings are held in May / June, when the annual reports are reviewed, and in December, when the Council advises on the budget.

By law, meetings to discuss the general course of affairs and meetings to discuss the intended policies (enhanced right of initiative) must be held at least twice a year. Article 7 of the Regulations reflects the standard situation: both topics are discussed at combined meetings which are held twice per session (academic year). This is a practical arrangement, which also ensures that these topics are discussed at least twice per academic year. The arrangement does not restrict these rights from being invoked at any other time, if necessary (this is why article 7, paragraph 1, of the Regulations refers to the WHW: "Without prejudice to the provision of article 9.32, paragraphs 1, 2 and 2a of the WHW, ...").

Article 9 Information

Providing information in a timely manner implies that the Council is well informed about matters such as imminent reorganisations (i.e. the Council is provided with notes regarding the benefits



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and necessity) and the outcome of on-site reviews, enabling the Council to have a thorough understanding of the general course of affairs within the University.

Under the Act on strengthening administrative power (*Wet versterking bestuurskracht*, hereafter "**WVB**") the right of the participation to be informed has been strengthened as of 1 January 2017, by which the participation determines its own need for information. However, a restriction has been included ("in accordance with the requirements of reasonableness and fairness"), which indicates that the obligation from the part of the administration to inform is not unlimited. Requests for information by the council have to be reasonable and fair. Unreasonable or unfair may be:

- requests for information that are extremely expensive or time consuming in relation to the purpose that is served with it.
- requests for information for personal viewpoints with regard to policy of supporting policy officers.
- requests to publish data that should be confidential, for example because it seriously infringes a person's private life or it concerns significant competition sensitive information. In these events the council and the board should make arrangements about communication or a deposit for inspection in confidence.

Article 10 *Division of duties between the University Council, the University's labour representation board, the faculty councils and the service department council*

This article expresses the principle that "participation follows control". Alongside the principle that, for example, the faculty councils are competent to decide on matters which the Dean decides upon on behalf of the Executive Board, the opposite also applies: if the Executive Board takes a decision that affects all faculties (e.g. by issuing a guideline) and as a result the faculty councils cannot exercise their participation rights, the faculty councils' participation rights are assumed by the University Council.

Article 14 *Decisions*

"By majority of votes" implies that one half of the votes +1 of the number of persons attending the meeting can take a decision, unless fewer than twelve Council members are present. In deviation of the general rule, any amendment of the Regulations and its Electoral Regulations requires the consent of at least sixteen Council members. See article 9.34, paragraph 2, of the WHW.

Article 18 *Facilities*

"Facilities" cover the following:

- exceptional leave for staff;
- fixed allowances;
- education and training;
- administrative (administrative and legal) support and conference rooms;
- budgets for the Council and the faculty councils;
- external advice (legal and otherwise).

Administration and councils at multiple levels within the University make agreements regarding the details of the facilities. Agreements made with regard to the compensation of members of the student delegation have been laid down in the Regulations for Grants for student members of university governance organs [*Regeling Bestuursbeurzen voor studentleden in universitaire bestuursorganen*].

Agreements made with regard to the compensation of members of the staff delegation have been laid down at University level in the letters exchanged between the Executive Board and the Council in 2010 (UR/124, UR/10.130) and summarised in a letter to the Deans on 15 July 2014 (Corsa CvB



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14.20797). Basic agreements regarding the compensation of members of the staff delegation have been laid down in the document "*Tijdsinvestering, compensatie en scholingsbudget Medezeggenschap van juli 2015*" (DMS N10233).

Article 19 Powers of the faculty councils

The rights of the faculty councils are incorporated into the faculty regulations. Each of the faculty councils must have the same powers (see article 9.34, paragraph 3h, of the WHW). The faculty councils also exercise the rights of the University Council with regard to issues pertaining to individual faculties (see article 9.37, paragraph 2, of the WHW). As part of the faculty regulations approval procedure, the Council takes into account these statutory requirements.